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8 **BEFORE THE**
PHYSICAL THERAPY BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1D 2004-64005

12 AMY HUENNIGER, P.T.

OAH No.

13 1528 10th Street, #6
14 Santa Monica, California 90401

A C C U S A T I O N

15 Physical Therapist License No. PT 29208,
16 Respondent.

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18 Complainant alleges:

19 PARTIES

20 1. Steven K. Hartzell (Complainant) brings this Accusation solely in his
21 official capacity as the Executive Officer of the Physical Therapy Board of California (Board).

22 2. On or about February 25, 2004, the Board issued Physical Therapist
23 License Number PT 29208 to Amy Huenniger, P.T. (Respondent). This license was in full force
24 and effect at all times relevant to the charges brought herein and will expire on July 31, 2007,
25 unless renewed.

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3. This Accusation is brought before the Board under the authority of the

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

(d) Conviction of a crime which substantially relates to the qualifications, skills, or duties of a physical therapist or physical therapy assistant. The original or a certified copy thereof shall be conclusive evidence of conviction.

(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.

(c) When the payment directed in an order for payment of costs is not made by the licensee, the board may enforce the order of payment by bringing an

1 action in any appropriate court. This right of enforcement shall be in addition to
2 any other rights the board may have as to any licensee directed to pay costs.

3 (d) In any judicial action for the recovery of costs, proof of the board's
4 decision shall be conclusive proof of the validity of the order of payment and the
5 terms for payment.

6 (e) (1) Except as provided in paragraph (2), the board shall not renew or
7 reinstate the license or approval of any person who has failed to pay all of the
8 costs ordered under this section.

9 (2) Notwithstanding paragraph (1), the board may, in its discretion,
10 conditionally renew or reinstate for a maximum of one year the license or
11 approval of any person who demonstrates financial hardship and who enters into a
12 formal agreement with the board to reimburse the board within that one year
13 period for those unpaid costs.

14 (f) All costs recovered under this section shall be deposited in the
15 Physical Therapy Fund as a reimbursement in either the fiscal year in which the
16 costs are actually recovered or the previous fiscal year, as the board may direct.

17 CAUSE FOR DISCIPLINE

18 (Prior Conviction of Crime Substantially Related to Practice of Physical Therapy)

19 6. Respondent is subject to disciplinary action under section 2660(d),
20 conviction of a crime substantially related to the practice of physical therapy, in that she operated
21 a motor vehicle while under the influence of alcohol. Respondent's unlawful actions resulted in
22 a two car accident that injured persons in the vehicle with which she collided. Respondent's
23 actions constituted a danger to the public and demonstrated her lack of sound judgment. The
24 circumstances are as follows:

25 7. On or about September 16, 2004, officers received a radio call, directing
26 them to respond to 18500 Reseda Boulevard. During the course of their investigation, officers
27 spoke with Respondent, who described herself as the driver of one of the vehicles involved in the
28 traffic collision. Respondent admitted to police that she fell asleep while driving and was

unaware of how the accident occurred.

8. Officers detected the odor of alcohol on Respondent's breath. Respondent admitted to drinking "two beers." Respondent displayed impairments while taking the field sobriety test. As a result, Respondent was given a preliminary alcohol screening test which indicated that she was under the influence. The investigation revealed that Respondent was driving at an unsafe speed, while under the influence of an intoxicating beverage, resulting in a traffic collision, which was the proximate cause of the injuries sustained by two persons in the other vehicle.

9. On or about September 20, 2004, a criminal complaint titled *The People of the State of California v. Amy L. Huenniger*, Case No. 4VN03748, was filed against Respondent in Superior Court, County of Los Angeles. Count 1 charged her with a violation of Vehicle Code section 23152(a), a misdemeanor, driving under the influence of alcohol or drugs. Count 2 charged her with violation of Vehicle Code section 23152(b), a misdemeanor, driving with blood alcohol .08% or more, by weight, of alcohol in his or her blood. Count 3 charged her with violation of Vehicle Code section 16028, a misdemeanor, failing to provide written evidence of financial responsibility for the vehicle.

10. On or about November 3, 2004, Respondent entered a plea of *nolo contendere* to Count 1. The Court accepted Respondent's plea and found her guilty of Count 1.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board Department of Consumer Affairs State of California issue a decision:

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1. Revoking or suspending Physical Therapist License Number PT 29208,
issued to Amy Huenniger, PT.;

2. Ordering Amy Huenniger, PT to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;

3. Taking such other and further action as deemed necessary and proper.

DATED: May 15, 2006

Original Signed By:
STEVE HARTZELL
Executive Officer
Physical Therapy Board
State of California
Complainant

LA2006500663

Huenniger Accusation.wpd